

REMARKS

In the office action dated October 11, 2007, pending claims 1-6, 9, and 10 were rejected under 35 U.S.C. § 102(e) in view of U.S. Patent 6,977,909 ("Minborg"). Claims 7 and 8 were objected to under 37 CFR § 1.75(c) as being in improper form.

The claimed invention is generally directed to methods and apparatus for selectively providing data object retrieval services based on the type of user application or device associated with a subscriber. Thus, in several embodiments, data object retrieval is performed only for devices or applications of a particular type, i.e., applications or devices that rely on functionality in the network to provide data object retrieval services. The Minborg reference does not disclose a system that distinguishes between two or more types of user applications or devices, and does not disclose the selective providing of data objects based on such a distinction. Minborg does not anticipate the claimed invention.

Claim 1 is an independent method claim addressed to a method of providing data objects in a communications network; independent claim 9 is an apparatus claim directly corresponding to claim 1. Claim 10 is a related apparatus claim. The remaining claims (1-8) depend (directly or indirectly) upon claim 1.

The preamble of claim 1 recites that the claimed method is directed to a method for providing data objects to user communication applications (or subscriber terminals) in connection with subscribers establishing communication events with other subscribers in a communication network. The preamble further recites that the network comprises subscribers having autonomous-type user communication applications (or terminals that comprise functionality for client-based retrieval of data objects) as well as subscribers with network-type user communication applications (or terminals that rely on functionality in the network to provide for retrieval of data objects). Thus, the network supports at least two distinct categories of subscriber devices or applications: those that can request and retrieve data objects from

network servers autonomously (i.e. applications or devices that can “pull” data objects from the network), and those that rely on functionality in the network to provide for retrieval of data objects (i.e. applications or devices that rely on network elements to “push” data objects from the network).

Accordingly, the method of claim 1 comprises at least three steps:

associating a type of user communication application or terminal with at least one subscriber of the network;
determining an occurrence of a triggering event indicating a communication event between two subscribers; [and]
upon determination of a triggering event, the network providing data object retrieval only to the subscribers with network type user communication applications or terminals.

(Emphasis added.)

According to the Office Action, these steps are anticipated by a brief discussion in Minborg (specifically, Minborg col. 6, line 28 – col. 7, line 30). Apparatus claim 9 is rejected for identical reasons. In neither case does the Office Action show on an element-by-element basis where this alleged anticipation is found. In fact, the cited section makes no mention of “associating a type of user communication application or terminal” with a network subscriber, as required by claim 1. Further, this section makes no mention of “providing data object retrieval only to the subscribers with network type user communication applications or terminals.” Claim 1 and corresponding apparatus claim 9, are not anticipated by Minborg.

Because Minborg does not anticipate claim 1, the rejections of claims 2-8 are necessarily improper as well. However, Applicant notes that several of these dependent claims include additional features not disclosed or suggested by Minborg. For example claims 3 and 4 each include, *inter alia*, a step in which it is determined whether a subscriber belongs to another network or not; further processing depends upon this determination. The section of Minborg cited by the Office Action as disclosing the features of claim 3 makes no mention of such a determination. Similarly, claims 5 and 6 are each directed to a selective providing of a service

based on whether a subscriber belongs to another network. Again, the cited sections of Minborg fail to disclose these features.

The Office Action also rejects independent apparatus claim 10 with vague citations to Minborg, failing again to point out where each of the several claim features are disclosed in Minborg. This rejection fails to establish even a *prima facie* case of anticipation. The pertinence of the Minborg reference, which describes a complex predecessor to the currently disclosed system, is *not* apparent. Thus, 37 CFR § 1.104 (see MPEP § 706) requires that the applicability of the reference to the claim be clearly explained. Applicant submits that the Office Action fails to do this. In any event, several features of claim 10 are in fact not disclosed in the cited sections of Minborg, or anywhere else in the reference.

As demonstrated above, Minborg does not anticipate the presently claimed invention. Thus, the rejection of claims 1-6, 9, and 10 should be withdrawn. Furthermore, claims 7 and 8 have been amended to eliminate the multiple dependencies. As these claims also depend upon claim 1, these claims are also allowable over the cited Minborg reference.

Applicants respectfully request consideration of amended claims 7 and 8 on the merits and reconsideration of the remaining rejected claims, in view of the preceding remarks.

Respectfully submitted,

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